

IN THE SENATE OF THE UNITED STATES.

MAY 13, 1896.—Ordered to be printed.

Mr. LODGE, from the Committee on Foreign Relations, submitted the following

REPORT:

[To accompany Senate Res. No. 267.]

The Committee on Foreign Relations, to whom was referred the message from the President of the United States in connection with the claims of B. H. Henry and other American citizens for compensation for certain lands alleged to have been owned by them and claimed to have been appropriated by the British Government (Senate Document No. 126, Fifty-fourth Congress, first session), report as follows:

A careful examination of the report of the special agent of the Department of State to investigate claims of American citizens to lands in Fiji, accompanying Senate Document No. 126, above mentioned, seems to establish that B. H. Henry and other American citizens were owners of valuable tracts of land in the Fiji Islands, obtained from the natives before the annexation of the islands to Great Britain in 1874; that titles to these lands were fairly acquired, and the purchasers took possession and cultivated a portion of the land and also used it for stock raising; that when the said islands were ceded to Great Britain by King Cacobau (Thakambau) and the Fiji chiefs, the articles of cession contained a provision for the protection of the land titles of the white purchasers or foreigners prior to the cession of the islands. It further appears that soon after the annexation a land commission, consisting of several administrative officers, was established by the colonial governor; that the land claims of American citizens were investigated by these commissioners and either allowed or rejected, as they saw fit; that the findings of these commissioners were subject only to review by the governor in council; that is, by him and the same commissioners sitting as a sort of "court of appeal;" that the decisions of the governor and council were final, the right to appeal to a court of law being expressly denied.

It further appears that the claims passed upon and rejected by the land commissioners and governor and council were decided in violation of article 4 of the annexation treaty. It also further appears, according to the report of the said special agent of the State Department and the published diplomatic correspondence between the Governments of Great Britain and Germany, that the claims of German subjects to lands in Fiji, which were acquired in the same manner, from the same sources, and under similar circumstances as the lands of the American claimants, have been reconsidered and settled by a joint commission selected by the two Governments, and that in those cases where it was not convenient to give a crown grant for the land claimed, a money consid-

eration was awarded and paid. The final report of the joint commission to examine the Fiji land claims of German citizens shows clearly that the principles applied and the decisions arrived at by the colonial land commissioners and the governor and council were in violation of the annexation treaty, and that claims disallowed under and by virtue of such decisions should be compensated for in money, or crown grants for the land should be awarded.

The claims of said Henry and others are for lands which were of great value at the time when the claims were disallowed and crown grants refused. Your committee are therefore of the opinion that, upon all the facts and circumstances of these claims, as disclosed by the official report of the special agent of the Department of State, the United States should continue its investigation and efforts in this matter to the end that such an adjustment of the aforesaid claims may be made as may be warranted by the facts in the case and by the law thereto applicable. They therefore submit the accompanying resolution:

*“Resolved*, That the President is hereby requested to continue the investigation and efforts hitherto made by the United States in the matter of the claims of B. H. Henry and other American citizens against the Government of Great Britain in regard to certain lands in the Fiji Islands, to the end that such an adjustment of such claims may be made as may be warranted by the facts and by the law applicable thereto.”

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